

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1741.01
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	April 30, 2001
DATE OF REPORT:	May 30, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 4, 2001

COMPLAINT ISSUES:

Whether the South Bend Community School Corporation violated:

511 IAC 7-21-7(c) with regard to the school's alleged failure to include in the student's educational record a student-specific justification for the student's transit time exceeding the transit time of nondisabled students of comparable age in the school corporation.

511 IAC 7-26-2(d) with regard to the school's alleged failure to ensure that professional and paraprofessional staff serving the student who has autism have received specialized inservice training in this area.

FINDINGS OF FACT:

1. The student (the "Student") is five years old and is in an intensive early childhood program specifically for students with autism (the "Intensive Program") at the local elementary school (the "School"). The Student is eligible for special education and related services as a student with a moderate mental handicap, communication disorder, and autism.
2. The complainant (the "Complainant") reported that the Student was picked up by the bus between 7:25 and 7:30 a.m. at the beginning of the 2000-01 school year. Within a few months there was a new bus driver who wanted to pick up the Student between 7:00 and 7:10 a.m. On April 20, 2001, another individual picked up the Student. The Complainant reported that an entirely different driver picked up the Student on April 23, 2001. The instructional day begins at 8:15 a.m.
3. The Transportation Director reported that a change in bus drivers occurred due to a disciplinary action against the first bus driver, and a temporary driver was assigned until the situation was settled. The Transportation Director also reported that the Complainant notified her that the Student was being picked up too early. When arrangements were made to pick up the Student at 7:55 a.m.; however, the Complainant was not in agreement with that time. Arrangements were then made to pick up the Student at 7:40 a.m. and that time was acceptable to the Complainant.
4. The Student's *IEP* dated March 15, 2000, includes a statement indicating that special education transportation as a related service is needed. The *IEP* also includes an *Authorization to Transport Special Education Students* form (the "*Transportation Form*") signed by the preschool teacher on March 15, 2000. There is no written student-specific justification for excess transit time found in the Student's *IEP* or the *Transportation Form*.

5. There are three early childhood programs for students eligible for special education at three different schools within the School Corporation. The School is one of those three schools, and the Intensive Program is conducted as a separate program. The School Corporation's transportation department provided a list of the length of transit times for students with special needs who attend the preschool programs. The average transit time for students attending the Intensive Program is 45 minutes. The average transit time for the other preschoolers with special needs is 26.8 minutes.
6. There are kindergarten programs in some of the elementary schools within the School Corporation. One of the kindergarten programs is a centralized program for students whose home school does not offer such a program. Eligible students who attend the centralized kindergarten program live throughout the entire area of the School Corporation and are transported to the centralized kindergarten program. Through the local director of special education (the "Director"), the Transportation Director reported that the average transit time for students attending the centralized kindergarten program is between 35 to 40 minutes.
7. The Director reported that the transportation department changed the Student's transit time, and effective May 14, 2001, the Student has a 25 minute bus ride.
8. A memorandum dated May 11, 2001, from the Transportation Director to the Special Education Supervisor states that effective May 14, 2001, the Student would be transported by another bus "to fit the time frame required."
9. The Complainant reported that the Student's transit time has changed as indicated in the May 11, 2001, memorandum from the Transportation Director.
10. The Director listed the various training opportunities the Teacher, the speech/language pathologist, and the paraprofessional received regarding the Student's needs. The Teacher attended seven different training sessions related to autism from March 1997, to May 2001. The speech/language pathologist attended four different training sessions from August 1998, to May 2001, including a graduate course during the 1999-2000 school year, related to autism. The classroom paraprofessional attended three different specialized inservice training sessions related to the Student's needs from January 2000, to May 2001. There were no training sessions listed for the Student's current bus driver or those drivers who provided transportation to the Student earlier in the school year.
11. The Director reported that there is no indication in the Student's *IEP* or on the *Transportation Form* that the Student has "exhibited any unique or challenging behaviors." The bus driver was given a copy of the *Transportation Form* and the Student's picture. The *Transportation Form* indicates that the Student has autism. The Director also reported that each bus driver transporting students who are eligible for special education and related services is given a copy of the Special Needs Transportation Reference Guide. Section 2, page 1 specifically addresses children with autism. The Director further reported that the present level of performance, the discussion section, and the goals and objectives on the Student's *IEP* "do not reference any concern about the bus or the child in need of specialized assistance on the bus."

CONCLUSIONS:

1. Findings of Fact #2, #3, #4, #5, and #6 indicate that during the course of the 2000-01 school year the Student's transit time increased from the transit time at the beginning of school year. However, because the transit time of the Student's nondisabled students of comparable age in the School Corporation was relative to the Student's transit time, no written justification statement for excessive transit time was required to be placed in the Student's educational record. Further,

Findings of Fact #7, #8, and #9 indicate that the Student's transit time was reduced to 25 minutes. No violation of 511 IAC 7-21-7(c) occurred.

2. Findings of Fact #2, #3, #8, #10, and #11 indicate that there were several bus drivers who transported the Student during the 2000-01 school year and that they did not receive specialized inservice training in the area of autism. A violation of 511 IAC 7-26-2(d) occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The South Bend Community School Corporation shall:

1. provide inservice training in the area of autism to all bus drivers who will be providing transportation to the Student during the 2001-02 school year. A copy of the inservice training agenda, copies of any materials presented, and a sign-in sheet of all attendees shall be submitted to the Division no later than August 31, 2001.

DATE REPORT COMPLETED: May 30, 2001